

REMARKS

This responds to the Final Office Action mailed on October 30, 2009.

Claims 27, 35, 38 and 46 are amended, claims 30, 36, 37, 41, 47 and 48 are canceled, and no claims are added; as a result, claims 27-29, 31-35, 38-40 and 42-46 are now pending in this application.

§ 103 Rejection of the Claims

Claims 27-29, 31-34, 49-65 and 69-70 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin et al. (U.S. Patent No. 6,119,152, hereinafter; “Carlin”), “*Domain Names - Concepts and Facilities*” (RFC 1034, hereinafter; “Domain Names”), and Fisher et al. (U.S. Patent No. 5,835,896, hereinafter; “Fisher”).

Applicants respectfully submit that the rejection of claims 1-2, 4, 8-13, 15 and 19-23 is defective for the reason that the Final Office Action fails to make a *prime facie* showing of obviousness as is required under 35 U.S.C. § 103.

Applicable Law

The U.S. Supreme Court decision of *KSR v. Teleflex* provides a tripartite test to evaluate obviousness.

A rationale to support a conclusion that a claim would have been obvious is that *all the claimed elements were known in the prior art* and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination would have yielded nothing more than predictable results to one of ordinary skill in the art.¹ (Emphasis added.)

Argument

Applicants believe that the issue of patentability over Carlin, *Domain Names* and Fisher is best understood with regard to the limitations of claim 1.

¹ *KSR International Co. v. Teleflex Inc.*, 127 S. Ct. 1727, 82 U.S.P.Q.2d 1385 (2007).

Claim 1 includes the following limitations:

a sales server at a network address that operates a plurality of sales interfaces....the sales server is operative to create the impression that the plurality of sales interfaces are being operated by different domains.....; and

*a central database system adapted to:
store listings of items for sale received from the plurality of sales interfaces,
the listings of items for sale are indexed by the sales server, the listings are
offered on at least one of the plurality of sales interfaces...*

The Final Office Action identifies Carlin and RFC 1034 as failing to explicitly teach a “central database system.” The Final Office Action states:

Carlin and RFC 1034 fail to explicitly teach a central database system adapted to store listings of items for sale, the listings received from the plurality of sales interfaces, the central database to index the listings, wherein the listings are offered on at least one of the plurality of sales interfaces....²

Instead the Final Office Action relies on Fisher to teach or suggest “*a central database system adapted to: store listings of items for sale received from the plurality of sales interfaces, the listings of items for sale are indexed by the sales server, the listings are offered on at least one of the plurality of sales interfaces..*”

Applicants respectfully submit that the Final Office Action fails to make a *prime facie* showing of obviousness for the reason that Carlin is not combinable with Fisher.

Carlin relates a multi-provider on-line system. The multi-provider on-line system may be configured by multiple service providers. Each service provider may offer its own subset of features to its subscribers. Subscribers to a particular service have access only to those features chosen by their service provider, and subscribers to other services in the multi-provider online service do not have access to the particular service’s private data.³

² Final Office Action, page 4.

³ Carlin, col. 2, lines 10-38.

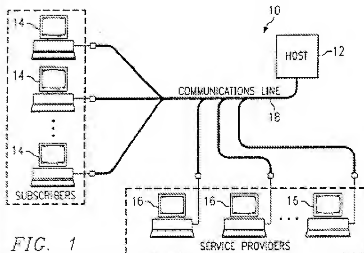


FIG. 1 illustrates a schematic representation of an on-line service using the multi-provider on-line system of the present invention.⁴

Carlin provides an example:

For example, a first service provider may be offering support for a software package. The software provider could set up a private on-line service which provided for electronic mail, forums in which the subscribers could communicate with the service provider's technical staff and with each other to discuss the application, newsletters to update the subscriber's items of interest relating to the application, a file library from which subscribers can download files relating to the application and an on-line shopping area in which subscribers could order products through the service provider. A second service provider may offer a service to antique car enthusiasts. This service may also provide electronic mail, forums, newsletters, on-line shopping, as described in connection with the first service provider, and further provide a searchable database of articles on antique cars whereby the subscribers to the second service can

search the articles for research purposes. While both the software support service and the antique car club service are provided from the host computer 12, the two services do not interact. Subscribers to the first service cannot access the electronic mail, forum messages, newsletters, on-line shopping areas, or searchable database of the second service. Likewise, subscribers to the second service cannot access the electronic mail, forum messages, newsletters, file library or on-line shopping areas of the first service. In other words, while both services offer some of the same features (electronic mail, forums, newsletters, and on-line shopping), the data related to these services is kept separate so that subscribers of one service cannot access data from another service. Consequently, each subscriber sees the on-line service to which he or she subscribes as an independent service provided by the service provider.⁵

The above example relates to a first and second service provider. "The data related to these services is kept separate so that subscribers of one service cannot access data from another service."⁶ Accordingly, Carlin relates a multi-provider on-line system that enables service

⁴ *Id.*, Figure 1; col. 3, lines 14-17.

⁵ *Id.*, col. 4, line 52 – col. 5, line 16.

⁶ *Id.*, col. 5, lines 12-14.

providers to offer features “while maintaining control over access of its data.”⁷ Carlin does relate a facility whereby a service provider may enable access to a “private database.” For example, Carlin relates that a service provider may publish a “private database” that may be accessed by other service providers for a fee.⁸ Carlin states:

In one aspect of the present invention, data can be “published” by a service provider, whereby certain databases, which are private to the service provider, can be made accessible to other providers on the multi-provider on-line system for inclusion in the other providers’ subset of features. The publishing provider can set a fee for accessing the data.⁹

The above paragraph from Carlin relates a service provider that publishes a “private database.” The private database may be accessed by other service providers who pay a fee to access the “private database.”

The Final Office action alleges that Fisher teaches an auction server that includes a “central database system” and concludes it would have been obvious to one of ordinary skill in the art having the teachings of Carlin, RFC 1034, and Fisher before him to modify the sales interface of Carlin and RFC 1034 to include the auction server of Fisher.¹⁰

Applicants respectfully disagree. Applicants disagree for the reason that modifying Carlin to include a “central database system” changes a principle of operation of Carlin. Specifically the modification requires the service providers to relinquish control of access to the data. For example, a “central database system” enables one service provider to freely access the data of another service provider thereby precluding service providers the ability to offer features “while maintaining control over access of its data.”¹¹

Further, a “central database system” as taught by Fisher precludes the notion of “private database” and precludes one service provider from charging another service provider a fee to access the “private database.” For example, a “central database system” enables one service provider to access the data of another service provider. Accordingly, such data may no longer be

⁷ *Id.*, col. 5, lines 26-27.

⁸ *Id.*, col. 2, lines 39-40.

⁹ *Id.*, col. 2, lines 39-45.

¹⁰ Final Office Action, page 4.

¹¹ *Id.*, col. 5, lines 26-27.

said to constitute a “private database.” In summary, a modification of Carlin to include a “central database system” eliminates the ability of a service provider to maintain control over access of its data¹² by enabling one service provider to freely access the data of another service provider; by precluding any notion of a “private database” that may be published and, by precluding one service provider from charging another service provider a fee to access the “private database.”

Accordingly, Applicants submit that the Final Office Action has failed to make a *prime facie* showing of obviousness as is required under 35 U.S.C. § 103 and respectfully requests the reconsideration and withdrawal of the rejection of independent claim 1.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of dependent claims 28-29, 31-34, 49-65 and 69-70 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 35, 38-40 and 42-46

Claims 35, 38-40 and 42-46 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin, Domain Names, Lowery et al. (U.S. Patent No. 5,894,554, hereinafter “Lowery”), and Fisher.

Independent claims 35, 38, and 46 include limitations substantially similar to independent claim 1. Accordingly, the above remarks are also applicable to independent claims 35, 38, and 46.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of dependent claims 39-40 and 42-45 under 35 U.S.C. § 103 is also addressed by the above remarks.

Claims 66-68

Claims 66-68 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Carlin, Domain Names, Fisher, and Sadiq et al. (U.S. Patent No. 6,032,153, hereinafter; “Sadiq”).

Independent claims 35, 38, and 46 include limitations substantially similar to independent claim 1. Accordingly, the above remarks are also applicable to independent claims 35, 38, and 46.

¹² Carlin, col. 5, lines 26-27.

In addition, if an independent claim is nonobvious under 35 U.S.C. § 103 then, any claim depending therefrom is nonobvious and rejection of dependent claims 39-40 and 42-45 under 35 U.S.C. § 103 is also addressed by the above remarks.

CONCLUSION


Applicants respectfully submit that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicants' representative at (408) 278-4046 to facilitate prosecution of this application.

If necessary, please charge any additional fees or deficiencies, or credit any overpayments to Deposit Account No. 19-0743.

Respectfully submitted,

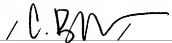
SCHWEGMAN, LUNDBERG & WOESSNER, P.A.
P.O. Box 2938
Minneapolis, MN 55402--0938
(408) 278-4046

Date 30 December 2009

By 
Mark R. Vatuone
Reg. No. 53,719

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 30th day of December, 2009.

Chris Bartl
Name


Signature